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Date of Deposit: June 3, 2004

Attorney Docket: 20363-019



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Livingston *et al.*

SERIAL NUMBER: 10/627,075

EXAMINER: Not Assigned Yet

FILING DATE: July 24, 2003

ART UNIT: 1632

FOR: Composition and Method for Imaging Cells

**Mail Stop Amendment**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**TRANSMITTAL**

Transmitted herewith for filing in the present application are the following documents:

1. Information Disclosure Statement (2 pages);
2. Modified form 1449 (1 page; in duplicate);
3. Copies of cited references C1-C14; and
4. Return Postcard.

Although Applicants believe that no fees are due in connection with this submission, the Commissioner is authorized to credit any overpayment or charge any deficiencies to Deposit Account No. 50-0311 (Reference No. 20363-019). A duplicate of this Transmittal is enclosed herewith.

Respectfully submitted,

Ivor R. Elrifi, Reg. No. 39,529

Attorney for Applicants

c/o MINTZ, LEVIN

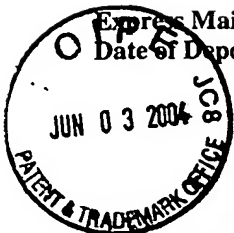
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Dated: June 3, 2004

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Commissioner for Patents  
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Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicants hereby make of record the documents listed on the attached modified Form PTO-1449 (submitted in duplicate) in the above-identified application. The order of presentation of the references should not be construed as an indication of the importance of the references.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action based on the merits in the above-identified case. Accordingly, no fee or certification is believed required.


The references indicated on the attached modified Form PTO-1449 are enclosed herewith. It is respectfully requested that the Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims, and signs the enclosed form PTO-1449 to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application.

By submitting this Information Disclosure Statement, the Applicants make no representation that: (1) a search has been performed, of the extent of any search performed, or that more relevant information does not exist; (2) the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b); and (3) the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicants, the Examiner is urged to form his/her own conclusion regarding the relevance of the cited information. An early and favorable action is hereby requested.

Please charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 20363-019.

Respectfully submitted,

 77.769

Ivor R. Elrifi, Reg. No. 39,529  
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Dated: June 3, 2004

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JUN 03 2004

PTO/SB (12-97)

Approved for use through 9/30/00. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>Modified Form 1449/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)	<b>Application Number</b>	10/627,075
	<b>Filing Date</b>	July 24, 2003
	<b>First Named Inventor</b>	Livingston
	<b>Group Art Unit</b>	1632
	<b>Examiner Name</b>	Not Yet Assigned
	<b>Attorney Docket Number</b>	20363-019

U.S. PATENT DOCUMENTS							
Exam Initials	Cite No.	U.S. Patent Document No.	Issue Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date If Appropriate

FOREIGN PATENT DOCUMENTS					
Exam Initials	Cite No.	Foreign Patent Document Office Number	Name of Patentee(s) or Applicant(s)	Date of Publication	Translation Yes No

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS		
Exam Initials	Cite No.	Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.
	C1	GenBank Accession No. NM_007942. October 4, 2003.
	C2	GenBank Accession No. E00630. September 29, 1997.
	C3	GenBank Accession No. X02158. June 22, 1993.
	C4	GenBank Accession No. U94788. July 17, 2001.
	C5	GenBank Accession No. M11921. November 8, 1994.
	C6	GenBank Accession No. M11922. November 8, 1994.
	C7	GenBank Accession No. D10493. May 29, 2002.
	C8	GenBank Accession No. AAA58637. December 31, 1994.
	C9	GenBank Accession No. AH002962. January 8, 1995.
	C10	GenBank Accession No. U29874. February 29, 1996.
	C11	GenBank Accession No. U44839. April 25, 1996.
	C12	GenBank Accession No. P04628. September 15, 2003.
	C13	GenBank Accession No. X59397. November 6, 2001.
	C14	Armstrong et al. 2003. Cancer Cell 3:173-183.

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.